SINGLE BENCH

IN THE HIGH COURT OF JUDICATURE OF CHHATTISGARH AT BILASPUR

WRIT PETITION No.2658 /2006

Petitioner : Madan Lal Prajapati, son of Sri Jhadiram, aged about 54 years, Peon - Chhattisgarh Khadi Tatha Gramodyog Board Raipur, R/o. Pandari, Raipur Tahsil and District Raipur presently residing at Village and Post Sakri, Bilaspur Tahsil and District Bilaspur (C.G.),

P.R.No. 2699/06 Presented by Shri K.M. Jhasaan dated 22/05/06

VERSUS

Respondents : 1) Chhattisgarh Khadi Tatha Gramodyog Board, 27/520 New Shanti Nagar Raipur (C.G.) through Managing Director

: 2) Shri Kripa Ram Sahu, Chairman, Chhattisgarh Khadi Tatha Gramodyog Board, 27/520 New Shanti Nagar Raipur (C.G.)

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: 3) State of Chhattisgarh Through Secretary, Gramodyog Department, DKS Bhawan, Raipur (C.G.)

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT/WRITS, ORDER/ORDERS, DIRECTION/ DIRECTIONS ETC.

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

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Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. No. 2658 of 2006

Petitioner : Madan Lal Prajapati

Versus

Respondents : Chhattisgarh Khadi Tatha Gramodyog Board and others

Shri K. M. Ansari, Advocate for the petitioner.

Shri M. K. Bhaduri, Advocate for the respondents No. 1 and 2.

Shri Ajay Dwivedi, Panel lawyer for the respondent No.3.

ORDER

(7th September, 2006)

1. The petitioner was appointed vide order dated 30.4.1981 (Annexure P/2). One of the conditions of his appointment order was that the petitioner can be posted anywhere in the erstwhile State of Madhya Pradesh in public interest. The Managing Director of the Board, passed the order dated 25.4.2006 (Annexure P/1), transferring the petitioner from head office Raipur to Bans Kala Kendra, Jagdalpur due to the administrative exigency. The petitioner has challenged the impugned order on the ground that this order is malafide as the Chairman of the Board himself has initiated the process of transfer of the petitioner from one place to other place.

2. Having heard learned counsel for the parties and having perused the record, this Court is of the opinion that the Chairman of the Board is fully competent to post its employee in the public interest and in administrative exigency at any place. Initiation of the proceedings by Chairman does not make out a case of malafide exercise of powers. Hence the contention of the petitioner that this transfer order was passed in exercise of malafide intention is misconceived and rejected.

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3. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations. In the present case none of the above grounds are available to the petitioner.

4. In view of the foregoing, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur